UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SHAMELLE R. MORRIS, Plaintiff, v. HOMECOMINGS FINANCIAL, LLC; *et al.*, Defendants.	Civil No. 07cv2122-L (NLS) **ORDER RE: ORAL ARGUMENT**

Defendant Homecomings Financial, LLC's motion to dismiss the complaint or alternatively, for a more definite statement [doc. #2] is set for hearing on January 28, 2008.[1] The Court finds this motion suitable for determination on the papers submitted and without oral argument pursuant to Civil Local Rule 7.1(d)(1). Accordingly, no appearances are required.

After defendant's motion was filed, plaintiff, who is appearing without counsel, filed a motion for summary judgment which is set for hearing on February 11, 2008. [doc. #5]. Because defendant's motion to dismiss is pending, the Court will not require defendant to file an opposition to plaintiff's motion, will vacate the February 11, 2008 hearing date and will

[1] The Court notes that plaintiff has not filed a timely opposition to defendant's motion to dismiss or for a more definite statement. Civil Local Rule 7.1.f.3 provides that "[i]f an opposing party fails to file the papers in the manner required by Civil Local Rule 7.1.e.2, that failure may constitute a consent to the granting of a motion or other request for ruling by the court."

reschedule the motion for summary judgment if it is deemed necessary.

Based on the foregoing, oral argument on defendant's motion to dismiss and plaintiff's motion for summary judgment are **VACATED**. Defendant is not required to file an opposition to plaintiff's motion for summary judgment unless the Court so orders.

IT IS SO ORDERED.

DATED: January 23, 2008

M. James Lorenz
United States District Court Judge

COPY TO:

HON. NITA L. STORMES
UNITED STATES MAGISTRATE JUDGE

ALL PARTIES/COUNSEL